

## **Part 5**

### **Forms of County Government**

#### **17-52-501 County commission form of government.**

- (1) Each county operating under the county commission form of government shall be governed by a county commission consisting of three members.
- (2) A county commission under a county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (3) Except as otherwise provided in an optional plan adopted under this chapter:
  - (a) the term of office of each county commission member is four years;
  - (b) the terms of county commission members shall be staggered so that two members are elected at a regular general election date that alternates with the regular general election date of the other member; and
  - (c) each county commission member shall be elected at large, unless otherwise required by court order.
- (4)
  - (a) If two county commission positions are vacant for an election, the positions shall be designated "county commission seat A" and "county commission seat B."
  - (b) Each candidate who files a declaration of candidacy when two positions are vacant shall designate on the declaration of candidacy form whether the candidate is a candidate for seat A or seat B.
  - (c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

Renumbered and Amended by Chapter 133, 2000 General Session

#### **17-52-502 Expanded county commission form of government.**

- (1) Each county operating under an expanded county commission form of government shall be governed by a county commission consisting of five or seven members.
- (2) A county commission under the expanded county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (3) Except as otherwise provided in an optional plan adopted under this chapter:
  - (a) the term of office of each county commission member is four years;
  - (b) the terms of county commission members shall be staggered so that approximately half the members are elected at alternating regular general election dates; and
  - (c) each county commission member shall be elected.
- (4)
  - (a) If multiple at-large county commission positions are vacant for an election, the positions shall be designated "county commission seat A," "county commission seat B," and so on as necessary for the number of vacant positions.
  - (b) Each candidate who files a declaration of candidacy when multiple positions are vacant shall designate the letter of the county commission seat for which the candidate is a candidate.

- (c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

Amended by Chapter 42, 2005 General Session

**17-52-504 County executive-council form of county government.**

- (1)
  - (a) A county operating under the form of government known as the "county executive-council" form shall be governed by an elected county council, an elected county executive, and such other officers and employees as are authorized by law.
  - (b) The optional plan shall provide for the qualifications, time, and manner of election, term of office and compensation of the county executive.
- (2) The county executive shall be the chief executive officer or body of the county.
- (3) In the county executive-council form of county government:
  - (a) the county council is the county legislative body and shall have the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and
  - (b) the county executive shall have the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (4) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:
  - (a) the county council, with respect to legislative functions, duties, and powers; and
  - (b) the county executive, with respect to executive functions, duties, and powers.

Renumbered and Amended by Chapter 133, 2000 General Session

**17-52-505 Council-manager form of county government.**

- (1)
  - (a) A county operating under the form of government known as the "council-manager" form shall be governed by an elected county council, a county manager appointed by the council, and such other officers and employees as are authorized by law.
  - (b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections (6) and (7), term of office, compensation, and removal of the county manager.
- (2) The county manager shall be the administrative head of the county government and shall have the powers, functions, and duties of a county executive, except:
  - (a) as the county legislative body otherwise provides by ordinance; and
  - (b) that the county manager may not veto any ordinances enacted by the council.
- (3)
  - (a) No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies, attempt to exact any promise relative to any appointment from any candidate for manager, or discuss directly or indirectly with him the matter of specific appointments to any county office or employment.
  - (b)
    - (i) A person who violates the provisions of this Subsection (3) shall forfeit the office of the offending member of the council.

- (ii) Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.
- (iii) Neither manager nor any person in the employ of the county shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.
- (iv) The optional plan may provide procedures for implementing this Subsection (3).
- (4) In the council-manager form of county government, the legislative powers of the county shall be vested in the county council, and the executive powers of the county shall be vested in the county manager.
- (5) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:
  - (a) the county council, with respect to legislative functions, duties, and powers; and
  - (b) the county manager, with respect to executive functions, duties, and powers.
- (6)
  - (a) As used in this Subsection (6), "interim vacancy period" means the period of time that:
    - (i) begins on the day on which a general election described in Section 17-16-6 is held to elect a council member; and
    - (ii) ends on the day on which the council member-elect begins the council member's term.
  - (b)
    - (i) The county council may not appoint a county manager during an interim vacancy period.
    - (ii) Notwithstanding Subsection (6)(b)(i):
      - (A) the county council may appoint an interim county manager during an interim vacancy period; and
      - (B) the interim county manager's term shall expire once a new county manager is appointed by the new administration after the interim vacancy period has ended.
  - (c) Subsection (6)(b) does not apply if all the county council members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the council for the following term.
- (7) A county council that appoints a county manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the county manager.

Amended by Chapter 209, 2011 General Session